

RENTON CITY COUNCIL
Regular Meeting

May 8, 2000
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

TIMOTHY SCHLITZER, Council President Pro tem; TONI NELSON; DAN CLAWSON; KATHY KEOLKER-WHEELER; DON PERSSON; KING PARKER.

MOVED BY SCHLITZER, SECONDED BY PARKER, COUNCIL EXCUSE ABSENT COUNCILMAN RANDY CORMAN. CARRIED.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; DAVID DEAN, Assistant City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JIM SHEPHERD, Community Services Administrator; SYLVIA ALLEN, Parks Director; ABDOUL GAFOUR, Water Utility Supervisor; TOM BOYNS, Property Services Supervisor; DEREK TODD, Finance Analyst; CHIEF GARRY ANDERSON, Police Department; COMMANDER KEVIN MILOSEVICH, Police Department.

PRESS

Robert Teodosio, *Renton Reporter*

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY SCHLITZER, SECONDED BY KEOLKER-WHEELER, COUNCIL APPROVE THE MINUTES OF APRIL 24, 2000, AS AMENDED. CARRIED.

MOVED BY SCHLITZER, SECONDED BY PARKER, COUNCIL APPROVE THE MINUTES OF MAY 1, 2000 AS PRESENTED. CARRIED.

PROCLAMATIONS

“Teacher Recognition Week”
– May 7 to 13

A proclamation by Mayor Tanner was read, declaring the week of May 7 – 13, 2000, as “Renton School District Teacher Recognition Week,” and encouraging all citizens to honor teachers and recognize their vital contributions to Renton’s children. MOVED BY NELSON, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Marcie Maxwell, chairman of the Greater Renton Chamber of Commerce Board, and Nancy Osborne accepted the proclamation on behalf of the Renton Education Association. At Ms. Osborne’s request, the Mayor and each Councilmember stated the name of the teacher who had most influenced them.

“Mental Health Month” –
May, 2000

A proclamation by Mayor Tanner was read, declaring the month of May, 2000 as “Mental Health Month,” and calling upon all citizens to recommit our community to increase awareness and understanding of mental illnesses and the need for appropriate and accessible services for all people with mental illnesses. MOVED BY SCHLITZER, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Pegi Moll accepted the proclamation on behalf of Valley Cities Counseling & Consultation.

“Safe Drinking Water Week”
– May 7 to 13

A proclamation by Mayor Tanner was read, declaring the week of May 7 – 13, 2000 as “Safe Drinking Water Week,” and encouraging all citizens to protect our precious water supply from pollution. MOVED BY CLAWSON, SECONDED

BY SCHLITZER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Planning/Building/Public Works Administrator Gregg Zimmerman accepted the proclamation on behalf of the Water Utility Division, which strives to protect Renton's groundwater source of drinking water.

PUBLIC HEARING

Vacation: St. Anthony's
Parish, Alley Between Shattuck
& Whitworth, and S 4th & 3rd,
VAC-00-001

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the petition for vacation of an alley bisecting the St. Anthony School playground located between Shattuck and Whitworth Avenues S., and S. 4th St. and the cross-alley behind S. 3rd St. (Abraham/VAC-00-001).

Tom Boyns, Property Services Supervisor, explained that St. Anthony's Church represents ownership of the entire frontage along the right-of-way to be vacated. The petitioner is seeking this vacation for school security improvements. During the school day, the alley, which is paved, is usually blocked and used as part of the school playground while the students are at recess.

Mr. Boyns reported that because eight-inch sewer main exists within the right-of-way, the City's Wastewater Utility Division has requested that the City retain an easement for utilities over the alley if the vacation is approved. Staff and the Board of Public Works recommend that Council approve the vacation, subject to the requested utilities easement.

Public comment was invited. There being none, it was MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL APPROVE THE VACATION AS REQUESTED, SUBJECT TO THE RETENTION OF A UTILITIES EASEMENT OVER THE LENGTH OF THE VACATED AREA. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2000 and beyond. Items noted included:

- * The Municipal League of King County selected Sue Carlson, Economic Development, Neighborhoods and Strategic Planning Administrator, as its "Public Employee of the Year."
- * Staff is evaluating the three bids received last Friday for Renton's solid waste contract.
- * The National Powerboat Tour will entertain spectators at Gene Coulon Memorial Beach Park this weekend with the limited hydroplane Western Divisional races on Saturday and Sunday.
- * Last week, Renton's Police and Fire Departments staged a mock accident at Hazen High School to demonstrate the risks associated with driving under the influence of alcohol or drugs.

AUDIENCE COMMENT

Citizen Comment: Darst –
Veterans Memorial Park

Pat Darst, 2601 Edmonds Ave. NE, Renton, 98056, expressed appreciation for Council's continued support of the Veterans Memorial Park. (See page 151 for Council action on this subject.)

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Annexation: Merlino, Black River Conservation Area	Economic Development, Neighborhoods and Strategic Planning Department submitted 10% Notice of Intent to Annex 40.64 acres south of Martin Luther King, Jr. Way (SR-900) and north of S. 140th St. and the BN/SF Railroad line in the Black River conservation area, petitioners Gary Merlino, et. al; and recommended a public meeting be set for 5/22/00 to consider the petition. Council concur.
Plat: Honey Creek Heights, NE 25th St & Ferndale Pl NE (FP-00-028)	Development Services Division recommended approval of the Honey Creek Heights Final Plat; 19 single family lots on 2.84 acres located in the vicinity of NE 25th St. and Ferndale Pl. NE (FP-00-028). Council concur. (See page 153 for resolution.)
Utility: Kennydale Lakefront Replacement, TetraTech/KCM Engineering Services	Wastewater Utility Division recommended approval of a contract in the amount of \$158,900 with TetraTech/KCM Engineering for engineering services on the Kennydale Lakefront Replacement project. Council concur.
Utility: Earlington Lift Station Elimination, TetraTech/KCM Engineering Services	Wastewater Utility Division recommended approval of a contract in the amount of \$92,200 with TetraTech/KCM Engineering for engineering services on the Earlington Lift Station Elimination project. Refer to <u>Utilities Committee</u> .
Utility: Boeing Lift Station, Declared Surplus	Wastewater Utility Division recommended that the Boeing Lift Station, which provided sanitary sewer service to four Boeing buildings located at Park Ave. N. and N. 8th St., be declared surplus as it is no longer necessary. Revenue generated from the sale of the station components will be deposited into the Wastewater Utility account. Refer to <u>Utilities Committee</u> .
	MOVED BY SCHLITZER, SECONDED BY CLAWSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.
CORRESPONDENCE Citizen Comment: Bahr – Municipal Airport Development Proposal	Correspondence was read from Fred Bahr, PO Box 48, Issaquah, 98027, containing a development proposal for the northwest location of Renton Municipal Airport (former site of the restaurant). MOVED BY KEOLKER-WHEELER, SECONDED BY SCHLITZER, COUNCIL REFER THIS REQUEST TO THE <u>TRANSPORTATION (AVIATION) COMMITTEE</u> . CARRIED.
OLD BUSINESS <u>Committee of the Whole</u> Parks: Veterans Memorial Park	Council President Pro tem Schlitzer presented a report recommending concurrence in the Board of Park Commissioners' recommendation to approve the design for the Veterans Memorial Park. The Committee further recommended concurrence in the staff recommendation to approve the model of the sculpture to be located in Veterans Memorial Park. MOVED BY SCHLITZER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
<u>Community Services Committee</u> Parks: City Hall 1% for Arts Project (Hai Ying Wu, Mosaic Benches)	Community Services Committee Chair Nelson presented a report recommending concurrence in the recommendation of the Municipal Arts Commission that Mr. Hai Ying Wu be commissioned to create mosaic benches for the front walk of City Hall as a "1% for Arts" project. MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
CAG: 00-064, Old City Hall Flood Wall, Stouder Const	Community Services Committee Chair Nelson presented a report recommending concurrence in the staff recommendation to award a contract to the low bidder, Stouder General Construction, LLC, for \$161,000 to construct the Old City Hall Flood Wall and related improvements. The estimated cost of the project will exceed available funds by nearly \$71,000,

excluding contingency. Rather than canceling the project, the Committee agreed with the staff recommendation to allocate a minimum of \$71,000 from the Facilities Division Fund #306 in Community Services to complete the project as currently planned. Fund #306 includes the budget for the exterior upgrades to Old City Hall (200 Mill Ave. S. Building).

Additionally, a formal protest has been submitted by Taggart Construction, the second low bidder, challenging Stouder's submission of a portion of their bid on a form that was superseded in its entirety by an addendum bid form. The addendum bid form included a lump-sum line item for a trench safety system which is required when trench safety systems are included in the work. Staff sought a legal opinion from Larry Warren and David Dean, Renton's city attorneys. They concluded that the Stouder bid, although initially submitted on an improper bid form, did not confer a substantial advantage or benefit on Stouder. Contrary to the situation in the Washington Appellate decision of Land Construction v. Snohomish County, Stouder did not have the right to refuse to submit a second, corrected bid form, thereby controlling the outcome. The subsequent submittal of the bid on the proper form was not an option by Stouder. The City would have been entitled to forfeit Stouder's bid bond if they had refused to resubmit their bid on the required form. Stouder gained no material advantage over other bidders by submitting part of their bid on the incorrect form. The city attorneys recommended awarding the contract to Stouder General Construction. Based on this opinion, the Community Services Committee recommended concurrence with the staff conclusion that Stouder General Construction is a conforming bidder, that the City formally reject Taggart Construction's protest, and that the contract be awarded to Stouder General Construction.

The Committee further recommended that the Mayor and City Clerk be authorized to sign a contract with Stouder General Construction for \$161,000 to complete construction of the flood wall at Old City Hall. MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Utilities Committee

Public Works: Northward
Homes Sanitary Sewer
Installation for Ernst Plat (City
Reimbursement for
Realignment)

Utilities Committee Chair Clawson presented a report recommending concurrence in staff's recommendation that the City participate in the installation costs of sanitary sewers for the Ernst Plat by the method developed by staff and the developer. The Committee further recommended that staff be authorized to reimburse Northward Homes for actual costs not to exceed the requested \$193,561.47. Costs in excess of the requested amount shall be brought back to the Council for its approval. MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Planning & Development Committee

Appeal: SR-167 Noise
Variance Appeal, Bifurcation
of Project

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the SR-167 Noise Variance Appeal. The Committee received a request from the Washington State Department of Transportation (WSDOT) to allow it proceed with work in areas not affected by the variance appeal. The appeal affects only the area immediately surrounding the Renton Holiday Inn Select and south of I-405. The entire project affects the area along SR-167/Rainier Ave. S. from milepost 25 along Rainier Ave. S. to S. 2nd Street.

There is no reason to stop the work in areas not affected by this appeal. The Committee recommended that the Council permit work north of Grady Way on

the condition that the contractor be instructed that the work be staged in such a manner that the work closest to the Holiday Inn Select, that is, the first 500 feet north of Grady Way, be accomplished as much as possible before 10:00 p.m. and that no work in that area occur after 11:00 p.m. This restriction may be modified in the final decision concerning this appeal, or upon a showing by the Department of Transportation that it has worked a hardship. MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Councilmember Keolker-Wheeler explained that Renton's city attorney agreed it would be appropriate to bifurcate this project because a portion of it was not appealed, and WSDOT would like to take advantage of the current paving weather and get started on the part of the project which is not under appeal. Ms. Keolker-Wheeler emphasized that part of this project does remain under appeal, and thus is still subject to the rules pertaining to quasi-judicial matters.

Transportation Committee

Franchise: Metromedia Fiber Network Services

Transportation Committee Chair Persson presented a report regarding a franchise document for Metromedia Fiber Network Services, Inc. Metromedia Fiber Network Services, Inc., a telecommunications provider and carrier, has requested a franchise agreement with the City of Renton. Conduit and cable will be installed underground using conventional trenching, horizontal boring and directional drilling methods. This is a proposed 10 (ten) year franchise agreement between Renton and Metromedia.

Metromedia Fiber Network Services, Inc. is a direct, wholly owned subsidiary of Metromedia Fiber Network, Inc., a publicly traded Delaware corporation. Metromedia is registered with the Washington Utilities and Transportation Commission as a competitive telecommunications company, and is authorized to provide non-switched dedicated and private line, high-capacity fiber optic transmission services.

The Committee recommended concurrence in the staff recommendation to approve the Metromedia franchise agreement. City Code encourages telecommunications services such as this to promote competition and provide advanced services on the widest possible basis to businesses, institutions and residences of the City.

The Committee further recommended that the Mayor and City Clerk be authorized to execute the franchise agreement. MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance Committee

Utility: Water Shutoff Policy & Procedures

Finance Committee Chair Parker presented a report regarding a change in the procedure for notification of water shutoffs at multi-family facilities. The Committee has revised the ordinance amending Sections 8-4-33.B and 8-4-44.A of Chapter 1, Water, of Title VIII (Health and Sanitation) of City Code, to impose a fee upon landlords for each unit that must be notified of a shutoff of water service. The Committee recommended that the ordinance be presented for first reading. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See later this page for ordinance.)

ORDINANCES AND RESOLUTIONS

Resolution #3455

The following resolution was presented for reading and adoption:

A resolution was read approving the Honey Creek Heights final plat; 19 single

Plat: Honey Creek Heights, NE 25th St & Ferndale Pl NE (FP-00-028)

family lots on 2.84 acres located in the vicinity of NE 25th St. and Ferndale Pl. NE (FP-00-028). MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 5/15/00 for second and final reading:

Utility: Water Shutoff Policy for Multifamily Properties

An ordinance was read amending Sections 8-4-33.B and 8-4-44.A of Chapter 1, Water, of Title VIII (Health and Sanitation) of City Code by imposing a fee upon landlords when tenants must be notified of shutoff of water service. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/15/00. CARRIED.

Rezone: Renton Technical College, NE 4th St/Monroe & Kirkland Aves, R-95-099

An ordinance was read changing the zoning classification of Renton Technical College, located at NE 4th St. between Monroe and Kirkland Avenues, from P-1 (Public Use) to IL (Industrial Light) (R-95-099). MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/15/00. CARRIED.

Councilmember Keolker-Wheeler explained that while the zoning of this property will change, it will retain a P-suffix, which indicates public use. This means that should the property owners ever propose changing the use in the future, the P-suffix will trigger a public notification process.

The following ordinances were presented for second and final reading and adoption:

Ordinance #4838

Boards/Commissions:
Municipal Arts Commission
City Code Housekeeping
Changes

An ordinance was read amending Sections 2-8-2 and 2-8-4.B of Chapter 8, Municipal Arts Commission, of Title II (Commissions and Boards) of City Code by staggering the terms of commission appointments and by requiring CIP proposals to be submitted to the Community Services Department. MOVED BY NELSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #4839

Planning: Automall Overlay
District Boundary Changes

An ordinance was read amending Section 4-3-040 of Chapter 3, Environmental Regulations and Special Districts, of Title IV (Development Regulations) of City Code by amending the Auto Mall Improvement District regulations. MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #4840

Planning: Eating & Drinking
Establishments in Regional
Parks & Golf Courses

An ordinance was read amending Sections 4-2-060.C and E, 4-2-070.A and B, and 4-2-080.A of Chapter 2, Land Use Districts, and Section 4-11-160 of Chapter 11, Definitions of Title IV (Development Regulations) of City Code by amending the Resource Conservation (RC) and the Residential – One Dwelling Unit per Acre (R-1) zones to allow eating and drinking establishments in regional parks and golf courses. MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS

Parks: Easter Egg Hunt at
Renton Community Center

Councilmember Nelson commented on the receipt of a letter from Carl, Elaine and Gregory Posey, 10609 – 62nd Ave. S., Seattle, 98178, expressing appreciation for the Easter egg hunt and carnival held at Renton Community

Center last month.

Public Works: Cedar River
Flood Wall (Aesthetics)

Councilmember Keolker-Wheeler requested a briefing on the status of the Cedar River flood wall. She was concerned that it blocks the view of the river, and wanted to know if it will be softened with landscaping or another appropriate treatment.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL ADJOURN.
CARRIED. Time: 8:21 p.m.

MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Fritsvold
May 8, 2000